

# Notice of Allowability

Application No.

10/726,327

Examiner

Raymond J. Henley III

Applicant(s)

SHAPIRA ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed August 7, 2006.
2. ☒ The allowed claim(s) is/are 1,2,5,6 and 8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**


4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

7. ☒ Drawings Filed 12/1/2003 are acceptable.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's ~~Amendment~~ / Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**RAYMOND HENLEY III**  
**PRIMARY EXAMINER**  
AU 1614

**EXAMINER'S COMMENTS**

Applicants' amendment filed August 7, 2006 has been received and entered into the application. Accordingly, claims 1 and 2 have been amended; claims 3, 4 and 7 have been canceled; and claim 8 has been added. In light of the amendments, all issues raised in the Office action dated March 10, 2006 have been overcome and thus, the presently claimed subject matter is in condition for allowance.

The quality of the copy of the amendment received by the Office renders the underlining and strikethroughs in claims 1 and 2 unclear. Accordingly, in order to clearly show the amendments to these claims, they have been reproduced below to ensure the claimed subject matter is accurately of record. The following contains only those amendments to the claims as specified by applicants.

***Reproduction of Claims 1 and 2***

Claims 1 and 2, as they appear in the amendment filed August 7, 2006, should read as:

1. (currently amended). A method for treating lipomas or controlling lipomas or reducing swelling or inflammation associated with lipomas ~~a disease, disorder, benign tumor, malignant tumor, malignant cancer, or malignant neoplasia~~ in an individual comprising the administration ~~of a~~ of an effective amount of a composition comprising an anti-convulsant agent selected from topiramate or pharmaceutically acceptable salts thereof and a pharmaceutically acceptable carrier to said individual, wherein said effective amount is sufficient to ~~reduce or eliminate the disease or disorder associated swelling~~ treat a lipoma, control a lipoma or reduce swelling or inflammation associated with lipomas.


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2 (currently amended). A method according to claim 1, wherein the composition further comprises one or more additional therapeutic agents ~~for the treatment of a disease, disorder, benign tumor, malignant tumor, malignant cancer or malignant neoplasias.~~

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Henley III whose telephone number is 571-272-0575. The examiner can normally be reached on M-F, 8:30 am to 4:00 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Raymond J. Henley III  
Primary Examiner  
Art Unit 1614

January 5, 2007